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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER DINH, DUC Q	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/074,026	Applicant(s) BLUM ET AL.	
	Examiner DUC Q. DINH	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-47, 49-58, 62-70 and 72-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-47, 49-58, 62-70 and 72-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/31/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 76 is objected to because of the following informalities: "where the electronics of the electronic display are modifiable" should read "where the electronic image of the electronic display are modifiable" for consistency with the paragraph [0076] of the disclosure as indicated by Applicant's argument with respect to the modifiable electronic display in the Remarks filed on April 14, 2007. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 36-45, 47,52,54-58,62-64,75-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castle (U.S Patent No. 5,848,830) in view of Giraud (U.S Patent No. 5,966,696).

In reference to claim 36, Castle discloses an advertising system, comprising:

an electronic display in a plane substantially to a floor and configured to occupied an area of the floor (the display floor mat 10 in Fig. 6 is modified to include a light source for illuminating the advertising 34; col. 3, lines 61-65);

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at least one motion sensor for detecting motion (a photo cell for sensing when an individual is in the vicinity of the floor mat display 10; col. 4, lines 48-50);

a chip comprising instruction to emit sound for different advertisements;

a controller, that is electrical connection with the display, the sensor and the chip and read the memory for activating sound from the memory and activates the electronic in response to a signal from the sensor (col. 4, lines 43-50).

Accordingly, Castle discloses everything except the display is a modifiable display. i.e. the image display using a memory comprising instructions for illuminating the electronic display and the controller read the memory instruction for illuminating the display in response to the signal from the sensor. Giraud discloses an advertising system in Fig.1 having memory (36) for storing instruction for illuminating the display during different modes coupled to the controller (28) and activates the display in response to a signal from sensor 30 (Fig. 1, col. 2, lines 38-41)

It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute display system in Castle's with the display system of Giraud which include memory and controller to dynamically changing the display content of the advertisement system for different products because it would provide convenient advertisement system that tracks consumer expose to a number of different advertisements and that exposes consumers to several different advertisements (col. 1, lines 26-29) for increasing products' sales.

In reference to claim 37, Castle the motion sensor senses motion proximal to the electronic display (co. 4, lines 43-50).

In reference to claim 38, Caslte discloses the direct current power source that powers the controller (col. 4, lines 9-12).

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In reference to claim 39, Giraud discloses the memory instructions further comprise instruction for instructing the controller to illuminate the electronic display in first and second pattern (display different images according to idle mode or active mode; col. 4, lines 16-29).

In reference to claims 40-41, Castle discloses chip containing desired sound for a speaker 65 for broadcasting sounds according to the signal from the sensor as claimed (col. 4, lines 30-41 and Fig. 6, of Castle)

In reference to claim 42, see the rejection as applied to claim 36; in addition, Giraud discloses a method of advertising, comprising:

displaying according to a first pattern (displaying a first non-advertisement information in idle mode);

sensing motion (once the presence of at least one potential customer within proximity range is sensed; col. 4, lines 20-25)

display a second visual content on the electronic display according to the second pattern when motion is sensed (the activate mode of the system is invoke and the display 12 begins displaying an advertisement; col. 4, lines 25-29).

In reference to claim 43, Castle discloses once the presence of at least one potential customer within proximity range is sensed; (col. 4, lines 20-25), and Giraud discloses the motion sensor 30 sensing motion in an area proximal to the display (see claim 42).

In reference to claim 44, Castle discloses motion sensor sensing motion proximal to the display (col. 4, lines 49-50 of Castle) and Giraud discloses sensing of the motion has stop (col.4, lines 31-32 of Giraud).

In reference to claim 45, Giraud discloses an interface switch in Fig. 1 for the system as claimed.

In reference to claim 47, Castle discloses the speaker 62 for broadcasting a first sound.

In reference to claim 52, refer to the rejection as applied to claims 36 and 40-41 as claimed the same limitations as in those claims.

In reference to claim 54, refer to the rejection as applied to claim 36; in addition, Giraud discloses the controller (28) coupled to at least motion sensor (44) and the display device (12) as claimed. The controller active the electronic display in response to the state of contents of the memory based on the signal from the at least one motion sensor and detected by the controller (col. 4, lines 13-29)

in reference to claim 55, Giraud discloses the at least one motion sensor senses motion proximal to the electronic display (col. 5, lines 5-7).

In reference to claim 56, Giraud discloses the display device in first and second visual contents based on a first state and a second state, respectively, of the contents of the memory (display images in memory contents for idle mode; display commercial information contents in memory for active mode when the motion is sensed from the sensor; col. 4, lines 12-30).

In reference to claim 57, Giraud discloses the sensor system illuminates the display in a third pattern based on the third state of the memory (non-advertising information in memory when motion stop sensed; col. 4, lines 31-34; col. 1, lines 56-62).

In reference to claim 58, Castle discloses sound generating device coupled to the sensor system based on a signal from motion sensor (col. 4, lines 42-45); Giraud discloses the system

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comprising a sound-generating device (24) coupled to the sensor system (see Fig. 1) to generate a sound base on a signal from the sensor system (col. 4, lines 35-39).

In reference to claim 62, refer to the rejection as applied to claim 54, for first visual contents when the motion is as discussed above, (display images in memory for idle mode; display commercial information in memory for active mode when the motion is sensed from the sensor; col. 4, lines 12-30). Furthermore, refer to claim 58 for sound generating device for generating sound when motion is sensed and detect by controller.

In reference to claim 63, Giraud discloses the controller causes the display device displaying second visual contents based on a second state of the contents of the memory based on the signal from the sensor and detected by controller (display images in memory contents for idle mode; col. 4, lines 12-30).

In reference to claim 64, Giraud discloses the controller causes the display to display a third visual content based on the third state of the memory (non-advertising information in memory when motion stop sensed; col. 4, lines 31-34; col. 1, lines 56-62).

In reference to claim 75, Castle discloses an advertising system, comprising:

an electronic display in a plane substantially horizontal to a floor, configured to occupy an area of the floor

at least one motion sensor for detecting motion;

memory (chip) instruction for generating sound (see rejection of claim 36);

a controller (in the sound chip), that is in electrical connection with the electronic display, the sensor and the memory and that reads the memory and activates the electronic display in response to a signal from the sensor (col. 4, lines 40-50 and rejection of claim 36);

Accordingly, Castle discloses everything except a memory comprising instructions for illuminating the electronic display and the controller read the memory instruction for activating the display in response to the signal from the sensor and wherein the display configured to electronically modify the display image. Giraud discloses an advertising system in Fig.1 having memory (36) for storing information displayed during different modes coupled to the controller (28) (col. 2, lines 38-41) thereby the electronically modifying the displayed image when the display is in active or idle mode.

It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute display system in Castle's with the display system of Giraud which include memory and controller to dynamically changing the display content of the advertisement system for different products because it would provide convenient advertisement system that tracks consumer expose to a number of different advertisements and that exposes consumers to several different advertisements (col. 1, lines 26-29 of Giraud) for increasing products' sales.

In reference to claim 76, claim 76 is the method of advertising according to the apparatus claim 42 and therefore is rejected as the same reason as set fort in the claim 42.

In reference to claim 77, claim 77 contains the body of claim 52 with the addition feature the electronic display further configured to electronically generate, display and modify the display image. As discussed in claim 75, Giraud discloses an advertising system in Fig.1 having memory (36) for storing information displayed during different modes coupled to the controller (28) (col. 2, lines 38-41) thereby the electronically modifying the displayed image when the display is in active or idle mode.

In reference to claim 78, claim 78 contain the body of claim 54 with additional feature the electronic display further configured to electronically generate, display and modify the display image. As discussed in claim 75, Giraud discloses an advertising system in Fig.1 having memory (36) for storing information displayed during different modes coupled to the controller (28) (col. 2, lines 38-41) thereby the electronically modifying the displayed image when the display is in active or idle mode.

In reference to claim 79, Castle discloses comprising a sound-generating device (speaker 62) and Giraud discloses the sound generating device 24 (Fig. 1).

Claim 80 contains the body of claim 65 with addition feature the electronic display further configured to electronically modify the display image. As discussed in claim 75, Giraud discloses an advertising system in Fig.1 having memory (36) for storing information displayed during different modes coupled to the controller (28) (col. 2, lines 38-41) thereby the electronically modifying the displayed image when the display is in active or idle mode.

4. Claims 46 and 49-51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castle (U.S Patent No. 5,848,830) in view of Giraud (U.S Patent No. 5,966,696) and further in view of Nagatomo et al (U.S Patent No. 6,717,522).

In reference to claim 46, Castle discloses the display is actives with the user interface switch (touch sensitive pad) is sensed. Giraud discloses the interface switch (user interface switch in Fig. 1) and modem 40 for connecting the system with a host computer for receiving addition information and displaying the information on display device (see col. 6, lines 25-35).

The combination of Castle and Giraud does not disclose displaying a third visual content on the display after receiving the interface signal.

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Nagatomo discloses an advertisement system (Fig. 19) comprising an interface switch (32) that provide an interface signal for displaying different visual content (different images) for the according to the input of the interface switch (col. 13, lines 24-36).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the user interface switch of the combination of Castle and Giraud as taught by Nagamoto so that the user can interact with the system to input a variety of instruction to the advertisement apparatus (col. 13, lines 30-35) an input interface to interact with the system so that users can acquire display and sound advertisement with different degree of detail concerning the selected products (col. 13, lines 44-49 of Nagatomo)

In reference to claim 49, refer to the rejection as applied to claim 43.

In reference to claim 50, refer to the rejection as applied to claim 44.

In reference to claim 51, refer to the rejection as applied to claim 47.

In reference to claim 53, Giraud discloses the interface switch (user interface switch in Fig. 1) and modem 40 for connecting the system with a host computer for receiving addition information and displaying the information on display device 12 in response from the signal from the interface to receive different visual contents (images) as claimed (see col. 6, lines 25-35). Nagatomo discloses an advertisement system (Fig. 19) comprising an interface switch (32, means for selecting one of the plural message data stored in storing means 20 that provide an interface signal for displaying different visual contents (different second visual contents) for the according to the input of the interface switch and to broadcast a first sound through the speaker in response to the signal (col. 3, lines 45-55).

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It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the interface switch in the combination of Castle and Giraud as taught by Nagatomo because it would provide an user an input interface to interact with the system so that users can acquire display and sound advertisement with different degree of details concerning the selected products (col. 13, lines 44-49 of Nagatomo).

5. Claims 65-70 and 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castle (U.S Patent No. 5,848,830) in view of Nagatomo et al (U.S Patent No. 6,717,522), hereinafter, Nagatomo.

In reference to claim 65, Castle discloses an advertising system, comprising:

a sensor (70)

an output device for generating sound (audio emitter 62 in Fig. 6; col. 4, lines 30-31);

a display in a plane substantially to a floor and configured to occupied an area of the floor and to convey information for a product (the display floor mat 10 in Fig. 6; col. 3, lines 61-65);

a memory (a chip) comprising instruction to emit sound from the output device (col. 4, lines 35-42);

a controller (the chip comprising memory and controller) that is electrical connection with the output device (speaker 62) the sensor, and memory the controller executing instructions in responses to a signal generated by memory (col. 4, lines 30-42).

Castle does not disclose the display is a modifiable electronic display that convey information for a product including location information of the product.

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Nagatomo discloses a floor advertisement display (Fig 1-5) for displaying advertisement for a product including location information of a product; (the memory 20 contain information for the product including location of the location of specific product such as gentlemen's space, children's wear space, toy space... col. 9, lines 28-30, col. 13, lines 44-55).

It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute display system in Castle's with the display system of Natagano which include memory and controller which not only provide advertisement information for the product but also provide the consumer where the specific products, i.e. gentlemen's space, children's wear space, toy space, (col. 9, lines 28-30) for assisting the consumers to access the product thereby to increase product's sales.

In reference to claims 66-67, Castle discloses the sensor is a motion sensor and adapted to sense motion proximal to the display (col. 4, lines 44-55).

In reference to claim 68, Castle discloses the memory instructions comprise instruction for generating first sound output and instruction for generating a second sound output (the chip containing different sounds).

In reference to claim 69, Nagatomo discloses (sound output means for reading a selected message data from the storing medium and reproducing sound read included in the selected message; col. 7, lines 43-45) the controller (10) executing the instruction for generating first sound (low volume sound) in response to a first signal i.e. sense no motion, from the sensor, and executes a second sound output (high volume sound) in response to a second signal from sensor, i.e. sensor senses motion nearby (col. 11, line 62 – col. 12, line 5).

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In reference to claim 70, Castle discloses the output device is at least one speaker (62; col. 4, lines 30-31).

In reference to claim 72, Nagatomo discloses the memory further comprising instruction for displaying first visual content (still image and graphic image always display) and instructions for display a second visual content on the electronic display (moving images displayed when a customer nearby; col. 11, lines 64-67; col. 3, lines 45-55).

In reference to claim 73, the controller executes the instructions for displaying a first visual content on the electronic display (still images, graphics) in response to a first signal from the sensor, i.e. sensor 40 senses no motion nearby, and executes the instructions for displaying a second visual content (moving images) on the electronic display in response to a second signal from the sensor, i.e. motion senses from sensor 40. (col. 11, lines 50-67).

In reference to claim 74, Castle discloses wherein the sensor is proximal to the floor display (col. 4, lines 48-50)

Response to Arguments

6. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

The 112 paragraph rejection is withdrawn in view of Applicant's argument in the Remarks (pages 11-12). However, the art rejections are maintained as elaborated in this Office Action which discussed to substitute the display system of Castle with the advertising display of Giraud or Nagatomo to electronically generate, display and modify the display image displayed on the display for providing customers with of different advertisements and different degree of

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details concerning the selected products for increasing products' sales. Therefore, the rejection for the Application is maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q. DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2629

A handwritten signature in black ink, appearing to read 'Duc Q Dinh', is written over the printed name and title.